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OLC 78-3426

7 DEC 1978

MEMORANDUM FOR: Director of Central Intelligence

FROM : Frederick P. Hitz  
Legislative CounselSUBJECT : Discussion Topics Regarding SSCI Oversight for  
Informal and Private Discussion with Senator  
Birch Bayh (D., Ind.)1. Action Requested: None, for information only.

2. Background: During a recent meeting with Chairman Bayh, you suggested it would be appropriate to discuss with the Chairman the oversight role of the SSCI and how it could be improved prior to the next Congress. Following are ideas you may want to raise. I suggest such a meeting be strictly one-on-one to avoid anyone else concluding that any changes are the result of Administration pressure.

a. The SSCI is too large. Membership was originally planned for 11 but has grown to 17 in order to accommodate strictly political considerations. The present 17 Member size is approximately the size of the Armed Services Committee, which oversees the [ ] defense budget. The House supervises intelligence with only 11 of its 435 Members. There is no reason whatsoever to have such a large Senate Intelligence Committee. Members would be more dedicated with a smaller group and the security of sensitive information would be increased. The Committee is scheduled to automatically revert to 15 this next year; it was enlarged for a one year period to accommodate [ ] We cannot expect a reduction to 11 or probably even 13 this Congress but we should express our view that the Committee should be no larger than 15.

b. Staff size: Bill Miller has said a number of times recently that the SSCI needs 50 staff members. We don't see it that way; the House gets along with about 30. Too large a staff creates a make-work situation under which staff operate largely on their own, generating their own work and raison d'etre. A word on this now might help, although our best chance to reduce the staff size will come after a new charter has been enacted [ ]

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c. We should make a strong pitch for the abolition of the Subcommittee on Investigations. This Subcommittee was Senator Inouye's idea and we have no reason to believe Senator Bayh is attached to it now. We understand Senator Goldwater is already working to eliminate this Subcommittee. Senator Morgan has been Subcommittee Chairman. Since he is leaving the Committee, this may be a unique opportunity to do away with the Subcommittee. We have seen here the danger of too much staff creating a make-work situation. The Subcommittee spent six months on a completely unnecessary study of [REDACTED] The Subcommittee's other product, [REDACTED] was the least distinguished report the Committee has issued, and because of its tone and inaccuracies, substantially damaged the oversight relationship. We were saved additional pain only because the Subcommittee staff was tied up in Ethics Subcommittee work for approximately the last year.

d. One of our biggest objectives on the Hill remains further concentration of intelligence oversight in the Intelligence Committees. Section 3(c) of S. Res. 400 remains a barrier to exclusivity of oversight on the Senate side. This section provides "Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee." This section was added to S. Res. 400 solely to gain support from Foreign Relations Committee Members for the original resolution. The provision is totally inconsistent with our interests as well as SSCI's interests in maintaining their jurisdiction. Staffers like [REDACTED] of the Senate Foreign Relations Committee would point to this language as the basis for their in-depth look at intelligence questions. Although very difficult politically, this section should be dropped from S. Res. 400.

[REDACTED]  
FREDERICK P. HITZ